



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Second day of January Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

WEB COPY

CRL MP(MD) No.10867 of 2019

IN

CRL A(MD) No.590 of 2019

1 BALASUBRAMANIAN

2 MALAI MEGAM

3 ANTHONY RAJ

4 SRIDHER @ SRIDHARAN

(NOW CONFINED AT CENTRAL PRISON,
PALAYAMKOTTAI)

... PETITIONER/APPELLANT/ACCUSED Nos.2 to 5

Vs

THE INSPECTOR OF POLICE

ARUMUGANERI POLICE STATION,

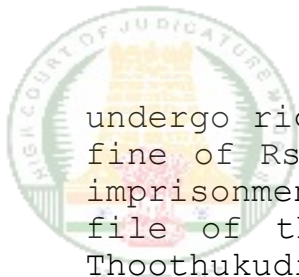
THOOTHUKUDI DISTRICT

(IN CRIME NO.166 OF 2013) ... RESPONDENT/ RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioners in S.C.No.195 of 2017 on the file of the learned 2nd Additional District and Sessions Judge, Thoothukudi on 25.11.2019 and enlarge the petitioners on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.SEENI SULTHAN, Advocate for the petitioners and of Mr.V.Neelakandan, Additional Public Prosecutor for the Respondent, the court made the following order:-

The learned counsel for the petitioners submitted that the petitioners have been convicted by the learned trial judge, for the alleged offence under Section 147 of IPC, and each of them sentenced to undergo rigorous imprisonment for a period of two years and to pay a fine of Rs.2,500/- each, in default each of them to undergo simple imprisonment for a period of six months and for the alleged offence under Section 448 of IPC and each of them sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/- each in default each of them to undergo simple imprisonment for a period of three months and for the alleged offence under Section 4 of TNPPDL Act, and each of them sentenced to



undergo rigorous imprisonment for a period of ten years and to pay a fine of Rs.10,000/- each in default each of them to undergo simple imprisonment for a period of one year in S.C.No.195 of 2017 on the file of the learned IInd Additional District and Sessions Judge, Thoothukudi.

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2.It is submitted by the learned counsel for the petitioners that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

3.It is submitted by the learned Additional Public Prosecutor that there are enough materials available on record against the petitioners as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.The learned counsel for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

6.Accordingly, the suspension of sentence petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- each (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned learned IInd Additional District and Sessions Judge, Thoothukudi, and on further condition that the petitioners shall appear before the said Court daily twice i.e. at 10.30 a.m and 5.00 p.m pending appeal.

sd/-
02/01/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THOOTHUKUDI
2. THE INSPECTOR OF POLICE
ARUMUGANERI POLICE STATION, THOOTHUKUDI DISTRICT
3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.M.SEENI SULTHAN Advocate SR.No.14

ORDER
IN
CRL MP(MD) No.10867 of 2019
IN
CRL A(MD) No.590 of 2019
Date :02/01/2020

VSD
ES/VR/SAR 3/03.01.2020/3P/6C